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Public Hearing Date:	February 10, 2004
Land Use Action Date:	March 16, 2004
Board of Aldermen Action Date:	April 20, 2004
90-Day Expiration Date:	May 10, 2004

TO: Board of Aldermen
Planning and Development Board

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Chief Planner
Alexandra Ananth, Planner

DATE: February 6, 2004

CC: Mayor David B. Cohen

SUBJECT: Petition #510-03 of OTIS DEVELOPMENT LLC/FIRST CHURCH OF CHRIST SCIENTIST petition for a CHANGE IN ZONE from SINGLE RESIDENCE 2 to MULTI-RESIDENCE 2 on land known as Section 24, Block 17, Lot 3 located at 391 WALNUT STREET, containing approximately 40,509 square feet of land.

Petition #510-03(2) of OTIS DEVELOPMENT LLC/FIRST CHURCH OF CHRIST SCIENTIST petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NON-CONFORMING STRUCTURE to convert an existing 3-story church into a multi-family building containing 11 dwelling units with a one-level basement garage with parking for 11 cars, and 12 additional exterior grade-level parking spaces at 391 WALNUT STREET, Ward 2, NEWTONVILLE, on land known as Sec24, Blk 17, Lot 3, containing approx. 40,509 sf of land in a PROPOSED MULTI-RESIDENCE 2 district.

The purpose of this memorandum is to provide the Board of Aldermen, Planning and Development Board, Mayor, and public with technical information and planning analysis, which may be useful in the decision making process of the Board of Aldermen. The Planning Department's intention is to

provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information, which will be presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

I. ELEMENTS OF THE PETITIONS

The subject property is located at 391 Walnut Street, in Newtonville, at the intersection of Otis Street. The site consists of a 40,509 sq. ft. parcel improved with a 3-story brick church (First Church of Christ Scientist) with steeple. The existing building was constructed circa 1927.

The petitioners are proposing to rezone and redevelop the site. The site is currently zoned Single Residence 2; the petitioners are proposing to rezone the property to Multi-Residence 2, and to convert the existing church into a multi-family dwelling containing 11 units. A portion of the basement would become a garage with parking for 11 cars, and 12 additional grade-level parking spaces are proposed in the existing parking area. As the petitioners are proposing a project with a density greater than what is allowed by right, it is subject to Newton's 15% Inclusionary Zoning Ordinance and 2 of the proposed 11 units would be offered for sale to eligible households. The petitioners are also proposing to offer the City a preservation restriction for the building, which would preserve the façade, steeple, and significant architectural features of the structure.

II. PROJECT BACKGROUND

This is a re-filing of petitions #207-03 (rezoning) and #207-03(2) (special permit), which were originally filed by the petitioners in June 2003. The original petitions, which were withdrawn, included the same request for rezoning to MR2 and a request for special permit for the development of 12 residential units and 27 parking spaces. As a result of discussions with the City and in response to neighborhood concerns, the revised petitions represent a decrease of 1 residential unit and a reduction of 4 surface parking stalls. *The Chief Zoning Code Official (CZCO) has completed his review and has prepared the attached memorandum dated January 30, 2004. (SEE "ATTACHMENT A")*

III. ZONING RELIEF BEING SOUGHT

A. CHANGE OF ZONE

The petitioners are seeking a change of zone for the entire lot from Single Residence 2 to Multi-Residence 2. The requested zone change is to allow for the conversion of the existing church building to an 11-unit multi-family dwelling.

B. SPECIAL PERMITS

Based on the granting of the MR-2 zoning, the petitioners are seeking approval

under or relief from the following sections of the Zoning Ordinance:

1. ***Section 30-5(b)(4) – to alter the existing contours of the land by more than three (3) ft. The petitioners are requesting to create 6 depressed patios with a maximum grade change of approximately 4 ft, and a rampway leading into the garage with a maximum grade change of approximately 7 ft;***
2. ***Sections 30-8(b)(7), 30-9(b)(1), and 30-15(m)(5)(b)&(c) allow the Board of Aldermen to grant a special permit in a Multi-Residence District for a private garage with provisions for more than three (3) automobiles, for a private garage of more than 700 sq. ft. in area, and for an accessory building to be used as a garage. The petitioners are proposing a one level garage in a portion of the basement of the existing building, and two other detached garage buildings at grade level, all of which are greater than 700 sq. ft. and provide parking for more than 3 automobiles;***
3. ***Sections 30-9(b)(4), 30-15(m)(5)(a), and 30-19(m) allow the Board of Aldermen to grant a special permit in a Multi-Residence District for more than one garage building. The petitioners are proposing one below grade garage and two additional detached garages in the form of one-story carports.***
4. ***Section 30-9(d)(1) - to allow a multi-family dwelling in a Multi-Residence 2 District. The petitioners are proposing to convert the existing building into an 11-unit multi-family dwelling;***
5. ***Section 30-19(m) – allows the Board of Aldermen to waive dimensional and design requirements for parking spaces, maneuvering aisles, curbcuts, interior landscaping or other provisions as to parking facilities;***
6. ***Section 30-20(l) – to allow for a free-standing sign. The petitioners are proposing to install a free-standing identification sign along Walnut Street;***
7. ***Section 30-21(b) – to allow for the alteration and extension of a nonconforming structure. The existing building is nonconforming with respect to height. The petitioners are proposing to increase the height of the building, to construct an addition in one corner of the building, to create 6 depressed patios, and to change the use to multi-family. Though the petitioners are not literally increasing the height of the structure, because of the requested grade change to accommodate the ramps into the basement garage and the depressed patios, the calculated average height of the building will increase by approximately one foot.***

IV. SIGNIFICANT ISSUES FOR CONSIDERATION

The Board of Aldermen should consider the following significant issues:

- *Whether or not the site is appropriate for multi-family use and whether the number of units proposed is appropriate;*
- *Whether or not the proposed rezoning constitutes “spot zoning;”*
- *Whether any of the zoning relief sought and/or the rezoning to Multi-Residence 2 will create any negative impacts within the neighborhood;*
- *Whether the proposed parking plan will have adverse affects on abutters;*
- *Whether the extension and alterations to the building and use will be substantially more detrimental to the neighborhood than the existing structure and use; and*
- *Whether the requested waivers to the parking requirements will adversely effect vehicular or pedestrian safety.*

V. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The subject property is located at 391 Walnut Street, Newtonville, Ward 2, and contains approximately 40,509 sq. ft. of land within a Single Residence 2 District. The site is located at the western corner of Walnut and Otis Streets, and is improved with a 3-story Georgian Revival brick church with steeple. The church was constructed circa 1927, and the steeple was added around 1938. The existing building is situated in the center of the lot and is well set back from both Walnut and Otis Streets, upon which it has entrances. The building extends close to the south side lot line, and the parking area is located along the western end of the site. ***The existing church is immediately abutted by 4 single-family residences, which are also located close to the lot lines shared with the church.*** The church is listed on the National Register of Historic Places as part of the Newtonville Historic District. *It should be noted that the church is not part of the Local Newtonville Historic District.*

Vehicular access to the existing parking facility is off of Otis Street. Additionally, there is currently a circular driveway in front of the Otis Street entrance. Although, the church is in active use, the congregation has dwindled significantly over the past few decades. The church contains 608 seats in the main auditorium and includes a Sunday School Classroom in the basement.



391 Walnut St.

B. Neighborhood and Zoning

The subject property is located within an extensive Single Residence 2 District and is immediately abutted by 4 single-family residences to the west and south. The site is just north of the Newton North High School sports fields. Immediately north of the subject property on Walnut Street are a mix of multi-family residences and mixed-use buildings. Approximately ½ block north of the site is an extensive Multi-Residence 1 District, which includes areas both north and south of the MassTurnpike. Approximately 1 block north of the site on Walnut Street and Washington Park is the former Newton Jr. College, now a 25 unit multi-family development, which is zoned Multi-Residence 3. The property is approximately 3 blocks from the Newtonville village center, zoned Business 1.

VI. ANALYSIS

A. Technical Considerations

The following is a technical review of the proposed multi-family dwelling as compared with the Zoning Ordinance requirements for *multi-family dwellings in a Multi-Residence 2 District*:

Multi-Residence 2 (Special Permit Multi-Family Dwelling)	Required	Proposed 391 Walnut Street
Min Lot Area	10,000 sq. ft.	40,509 sq. ft.
Min. Lot Area/Unit	3,000 sq. ft. / unit	3,683 sq. ft. / unit
Min. Frontage	80 ft.	131 ft. (Walnut Street) 296 ft. (Otis Street)
Min. Front Setback	25 ft.	73 ft. (Walnut Street) 27 ft. (Otis Street)
Min. Side Setback	7.5 ft.	22 ft.
Min. Rear Setback	15 ft.	85 ft.
Max Stories	3	3
Max Bldg. Height	30 ft.	56 ft. (184 ft. existing steeple¹)
Max. Building Lot Coverage	30%	27%
Min. Open Space	50%	50%

As shown in the table above, the existing subject church is a nonconforming structure with respect to the height of the building. *There is no FAR limitation on multi-family dwellings constructed by special permit*, however without a special permit the FAR requirement is 0.4 in a Multi-Residence 2 zone. The Planning Department notes the proposed residence will have an FAR of 0.44 not including the basement area, and 0.66 including the basement level.

The petitioners are requesting to extend the nonconforming structure to increase the calculated height by 1 ft. Though the petitioners are *not literally increasing the height*, because of the requested grade change, the average grade of the building will be decreased, increasing the calculated average building height. The petitioners are also proposing to infill a 12'x12'x20' second story addition in the southwest corner of the building. Because the first story is existing, the petitioners will not be increasing the nonconformity. Additionally, the petitioners are proposing to create 6 depressed patios for 6 of the proposed units.

¹ Towers, spires, domes, and ornamental features are not included in measurements of height.

B. Land Use/Zoning

The subject property is presently located in an extensive Single Residence 2 District and is currently a conforming use. In order to accommodate the proposed redevelopment of the site to 11 residential units within the existing building the petitioners are requesting rezoning from Single Residence 2 to Multi-Residence 2.

As stated earlier, the subject property is within 3 blocks of the Newtonville village center, zoned Business 1. Between the village center and the subject property along Walnut Street are a number of land uses including multi-family dwellings. On the east side of Walnut Street is a Multi-Residence 1 zone and a Multi-Residence 3 zone. The MR-3 zone is associated with the redevelopment of another institutional use – the conversion of the former Newton Jr. College to multi-family housing in 1977. Approximately ½ block north of the site is an extensive Multi-Residence 1 District, which includes areas both north and south of the MassTurnpike and surrounding the Newtonville village center.

In order to assess the impacts of the requested change of zone and special permit, the Board should consider the comparative effects of likely uses on the surrounding neighborhood. The alternative-by-right use under Single Residence 2 zoning, would allow for 2 developable single-family lots. Under Multi-Residence 2 zoning, the subject property could potentially be subdivided into four 2-family lots for a total of 8 units. However, it is unlikely the Newton Historical Commission would permit the demolition of this historic building, but would likely impose a 1-year demolition delay and may consider landmarking the building. Thus the Planning Department believes it is most likely the church would be sold to another institutional or nonprofit use such as a church (possibly with a more active congregation), or a school.

In the Chief Zoning Code Official's memorandum dated January 30, 2004, he points out that this petition was referred to the Law Department for review because of initial concerns regarding "spot zoning."

After discussions with the Law Department, the Planning Department believes that *in order for the change of zone to not be considered "spot zoning" the lot must be distinguishable in character from the surrounding area, and the decision to rezone the lot needs to be based on rational planning objectives.* The Planning Department believes the existence of an architecturally significant church on the subject property makes the lot distinguishable from surrounding properties. Furthermore, the petitioners are offering to grant the City a preservation restriction for the building, which would preserve the façade, steeple, and significant architectural features of the structure, and the petitioners will be providing two "affordable" units, as required by Section 30-24(f)(3) of the Inclusionary Zoning Ordinance. The Planning Department also believes that the benefits of the preservation of this structure, and the creation of two inclusionary housing units, are rational planning objectives.

Given the diversity of uses and zones along this segment of Walnut Street, the Planning Department believes that rezoning action should be considered within a more

comprehensive perspective. For comparison purposes the Planning Department notes the former Newton Jr. College Residences located 1 block north from the subject property on Washington Park. The site contains 80,981 sq. ft. of land in a Multi-Residence 3 District, and contains 13 units in the old school building and 12 attached dwellings units. This is an average of 3,239 sq. ft. of land per unit; the petitioners are proposing 11 units on 40,509 sq. ft. of land, or 3,683 sq. ft. of land per unit.

Finally, the Planning Department believes that this petition is consistent with the direction that the Mayor's Comprehensive Planning Advisory Committee (CPAC) is heading with respect to encouraging increased residential density near village centers, where there is access to public transit.

It should also be noted that the Planning and Development Board heard the original petitions (#207-03 and #207-03(2)) to rezone the site in July and September of 2003 and voted to approve the rezoning from SR2 to MR2 conditioned upon the approval of Special Permit #207-03(2), to convert the existing church into a 12 unit multifamily dwelling. Although the petition for rezoning will be heard and voted on again, it is expected that the Planning Board will act similarly.

C. Building and Site Design

The petitioners are proposing to redevelop the site to contain 11 residential units within the existing building. The petitioners are proposing 23 parking spaces (including 2 handicapped stalls), 11 of which will be contained in the basement of the existing church, and 12 of which will be at-grade in the existing paved parking area at the western end of the site. Site access will be off of Otis Street where a 20 ft. curb cut will lead to the parking area. A ramped driveway and handicapped accessible rampway will lead from the at-grade parking area to the proposed below grade garage.

The petitioners are proposing to maintain the architecturally significant exterior of the building but are proposing some minor changes including:

- Construction of a second story infill addition in the southwest corner of the building over an existing one-story portion of the building;
- Creation of 6 below grade patios for 6 of the residential units; and
- Construction of two detached metal carports in the existing at-grade parking area.

In addition to the alterations listed above, the petitioners are proposing to add windows to both the front (Walnut Street) and rear facades to allow for windows in all bedrooms. The petitioners are also proposing to add skylights in the existing roof. A "loft area" will be added within the existing building but will not impact or enlarge the exterior appearance of the building. The petitioners are proposing to offer the City a preservation restriction for the façade of the building, which would preserve the architectural integrity of this structure. *All of the proposed changes have been reviewed and approved by the Newton Historical Commission.*



Area of proposed second story infill addition

Currently there is an existing freestanding sign on Walnut Street for the church that will be removed. The petitioners are proposing to locate a new 3' by 3' - 6" freestanding sign on Walnut Street for which they are seeking a special permit. The sign as proposed will be made from carved wood and painted dark blue with gold lettering. The sign will be set on chiseled edge granite posts with recessed up-lighting set into the ground in the proposed flagstone walk in front of the Walnut Street building entrance. *The Planning Department believes it may be more appropriate to locate the sign closer to the corner of Walnut and Otis Streets, and to screen the lighting with low plantings.*

The Planning Department notes that the number of at grade parking stalls has been decreased based on the reduction in units and conversations with the immediate abutters. As proposed, all of the surface parking is concentrated on the southwest corner of the lot, in close proximity to the abutting residences. The Planning Department has encouraged the petitioners to put as much parking as possible in the garage in order to minimize the number of surface parking stalls. However, the petitioners have stated that there are a number of building and steeple support columns that prevent any additional parking in certain sections of the basement.

The Planning Department has also encouraged the petitioners to pull the parking area away from the rear lot line and to install additional dense landscape screening to both visually and acoustically buffer abutting residences. The revised site plan reflects an increased amount of open space between the parking area and adjoining residences and the petitioners are proposing landscape screening and a 6 ft. tall acoustical fence around the parking area.

Though the proposed carports have been approved by the Newton Historical Commission as architecturally appropriate and sensitive to the historic structure, the Planning Department believes that the proposed carport structures will provide little effectual screening for abutting residences and may visually clutter the parking area. *The*

petitioners should discuss the preference for covered or uncovered parking with abutting residents prior to the Working Session and consider submitting additional visuals showing the site with and without the proposed carports. It should be noted that the current plans show 10 of the 11 standard surface stalls to be within the carports. If the proposed carports are to remain, the petitioners should expand the western carport to include all 6 standard spaces on the western side of the lot so that all residents have equal access to the outdoor covered parking.

The petitioners have located a bike rack on site, however, *the City Traffic Engineer notes that it should be moved adjacent to the north or south side of the covered parking to improve ease of use.*

D. Traffic, Parking, and Circulation

The petitioners are proposing to locate 23 parking spaces on-site (including 2 handicapped stalls). Eleven stalls (including 1 handicapped) are proposed in the basement of the existing church, and 12 stalls (including 1 handicapped) are proposed at-grade in the same location as the existing paved parking area. The petitioners are proposing to contain 10 of the 12 at-grade stalls in two 5-car detached carports and are reducing the amount of paved surface on-site. Though it does not appear from the plans that the parking stalls have been designated to specific units yet, the petitioners have stated that each unit will have one surface and one garage parking stall.

The table below depicts how the project compares with the requirements of Section 30–19 of the Ordinance:

Section 30 –19	Ordinance	Proposed
# of Parking Stalls	2 / unit = 22 stalls (11 units)	23 stalls (including 2 handicapped)
Min. Stall Width	9 ft.	9 ft.
Min Stall Length	19 ft.	19 ft.
Min Driveway Width	20 ft.	20 ft.
Min. Aisle Width	24 ft.	20 ft.
Handicapped Stalls	1 stall 12 ft. x 19 ft.	2 stalls 12 ft. x 19 ft.
Front Setback	10 ft.	NA but >10 ft.
Side Yard Setback	5 ft.	~12 ft.
Rear Yard Setback	5 ft.	~10 ft.
Bicycle Parking	1 / 10 parking stalls = 3 (23 parking stalls)	~8

As can be seen in the above table, the petitioners are requesting waivers from the minimum aisle width.

All of the standard parking stalls meet Newton's technical requirements under Section 30-19 for the parking stall width and length, and the petitioners are providing the required handicapped parking stalls. *However, it does not appear that either of the proposed handicapped stalls meets state accessibility requirements. Accessible spaces should be a minimum of 13 ft. wide (8 ft space/5 ft. aisle) and one space must meet the 16 ft. van accessible requirements (8 ft. space/8 ft. aisle). The petitioner should verify all accessibility requirements and meet with the Mayor's Committee for People with Disabilities prior to the Working Session and submit revised plans to the Engineering Division and Planning Department as necessary.*

The proposed development requires 22 stalls as compared to the 23 stalls proposed, meeting the requirements of the Ordinance. The Planning Department believes this should be sufficient to meet the anticipated demand without negatively impacting the neighborhood, and notes that the subject property is within walking distance to the village center, which contains a grocery store, numerous conveniences (including restaurants, drycleaners, banks, etc.), a commuter rail station, and an express bus stop. The Planning Department also believes that the sites proximity to the Newtonville village center is complimentary to the proposed density of the development.

The petitioners have stated that the site access has been located and designed so as not to conflict with nearby driveways and that the ramp leading out of the garage has been graded to minimize the swing of car headlights at abutting residences.

The petitioners are proposing a single combined curb cut that provides access to both the at-grade parking area and the underground garage, and is proposing to remove the circular driveway, thereby minimizing the number of curb cuts on Otis Street.

*The Associate City Engineer points out in his memorandum dated January 30, 2004 (SEE "ATTACHMENT B"), that the 2 handicapped curb cuts at the Walnut and Cabot Streets intersection are not up to current code and asks that the petitioners reconstruct these ramps as part of their proposed site improvements. **The petitioners should address all issues raised by the Associate City Engineer in writing prior to the Working Session.***

*The petitioners have submitted a traffic and parking study comparing projected traffic and parking counts of the proposed use to alternative development options. The City Traffic Engineer has reviewed these documents (SEE "ATTACHMENT C") and believes the proposed parking supply is adequate and the traffic impacts of 11 residential units at this location to be minimal. However, the City Traffic Engineer has requested that one additional one-hour delay/queuing study on Otis Street be conducted during peak morning and evening hours to verify and quantify some of the petitioners' analysis. The City Traffic Engineer also states that the petitioner should clarify what type of barrier will be provided along the top of the retaining walls as they descend into the basement level parking. **The petitioners should respond to all issues raised by the City Traffic***

Engineer in writing for review and comment prior to the Working Session.

E. Inclusionary Zoning Ordinance

Because the petitioners are proposing a project with a density that is greater than what is allowed by right, the project is subject to Newton's Inclusionary Zoning Ordinance. Per Section 30-24(f)(3), 15% of the proposed units shall be reserved for sale or rental to eligible households. The petitioners have stated that they will be providing two affordable units (units #3 and #6) and are proposing to offer the units to first time homebuyers (*SEE "ATTACHMENT D"*).

Unit #3 is located in the northeast corner of the building and is a 2 bedroom, 3 bath, triplex with a gross floor area of 1,476 sq. ft. Unit #6 is located in the northwest corner of the building and is a 2 bedroom, 1 ½ bath, duplex with a gross floor area of 1,442 sq. ft. Each inclusionary unit includes basement story space as part of the total gross floor area and has access to a private outdoor patio. Each affordable unit will have an exclusive garage parking space and a second exterior parking space. Both inclusionary units are corner units, which will allow for additional light exposure.

Based on a review of floor plans the Planning Department believes that the proposed inclusionary units are dispersed throughout the development, are sited in no less desirable locations than the market rate units, and meet the minimum gross square footage as required under Section 30-24(f)(6) (*SEE "ATTACHMENT E"*). *However, as part of the application for a special permit per Section 20-24(f)(8) the petitioners must submit an inclusionary housing plan that shall be reviewed by both the Newton Housing Authority and the Planning Department for certification as compliant. The plan must include projected sales prices for all units in the development, an outline of construction specifications, a marketing and resident selection plan, and a covenant running in favor of the City of Newton which shall limit the initial sale and subsequent re-sale of Inclusionary Units to eligible households. As of the writing of this memorandum this plan has not been submitted. **The petitioners should submit the inclusionary housing plan prior to the Public Hearing.***

F. Landscaping

The Planning Department believes that landscaping is particularly important on this site as the existing building and proposed parking areas are in close proximity to abutting neighbors.

The petitioners have provided a landscape plan with planting material sizes, quantities, and types indicated. It does not appear that any trees will be removed, and the petitioners are proposing extensive landscaping throughout the site.

The petitioners are proposing to locate a 6 ft. acoustical/privacy fence along the perimeter of the parking area in order to minimize any noise spillover onto abutting lots. The Planning Department believes additional landscape screening along the fence may be preferable to the abutting neighbors to the west and requests that *the petitioners discuss this matter with the immediate abutters and submit a revised landscaping plan*

prior to the Working Session, as necessary. Should the petitioners choose to retain the proposed amount of fencing, the Planning Department requests the petitioners submit a revised landscape plan showing additional screening located between the proposed fence and the abutting properties in order to screen abutting neighbors from the proposed fence.

The petitioners have submitted a landscape maintenance plan as part of their construction management plan (*SEE “ATTACHMENT F”*). The petitioners will be required to conform to the City’s Tree Preservation Ordinance for any trees that are removed from the site. The Department of Parks and Recreation (Superintendent of Forestry Services) should be contacted to evaluate any trees to be removed and to make arrangements for replacement trees in compliance with the Tree Preservation Ordinance.

G. Lighting

The petitioners have submitted a photometric plan showing proposed lighting at the entrance, parking area, and around the existing building. The plan shows that all lighting is contained to the site, therefore the Planning Department believes it should not have a negative impact on abutters. *However, the Chief Zoning Code Official notes that certain light poles may be located within the setbacks, which is not permitted. The petitioners should verify this and submit revised plans as necessary.*

H. Departmental Reviews

The Associate City Engineer and City Traffic Engineer have completed their reviews. *The petitioners should address all issues raised by the Engineering Division prior to the Working Session and submit revised plans if necessary.*

The petitioners are proposing to sprinkle the entire building and the Fire Department has approved the site layout plan in the attached letter from Bruce A. Proia, Assistant Chief of Operations (*SEE “ATTACHMENT G”*).

The petitioners have completed all reviews and received the necessary approvals from the Newton Historical Commission (*SEE “ATTACHMENT H”*).

I. Construction Management Plan

The petitioners have submitted a Construction Management Plan that the Planning Department believes will help ensure safety and minimizes conflicts with abutters and students given the constraints of the site and the proximity of abutters and Newton North High School (*SEE “ATTACHMENT F”*).

J. Additional Engineering Issues

The petitioners submitted a narrative from Jai Khalsa of Khalsa Design describing how the petitioners will deal with structural issues arising from the conversion of the building. This letter has been reviewed by the Associate City Engineer and is on file

with the Planning Department.

Cavanaugh Tocci Associates, an engineering firm specializing in noise abatement has submitted a report to the Associate City Engineer and Planning Department. The report includes a background sound reading at the site and an analysis of the proposed cooling unit and garage doors. The report indicates that the petitioners will meet the requirements of the City's Noise Ordinance.

At the July 2003 public hearing several abutters indicated there had been power grid issues in the neighborhood and questioned the capacity of the power grid to absorb 12 additional residential units. *The Planning Department is working with the petitioners to pursue this issue and expects a written response from N-Star prior to the Working Session.*

The petitioners have stated that the garage will be equipped with a carbon monoxide detection system that will automatically sense the presence of carbon monoxide and activate the garage exhaust system to eliminate any fumes from the garage. Because there is living space in portions of the basement next to the garage, *the Planning Department recommends that this system be tested prior to a Certificate of Occupancy being issued, and that a representative from the Health Department approves the system.*

K. Relevant Site Plan Approval Criteria

1. Convenience and Safety of Vehicular and Pedestrian Movement

As stated earlier, the petitioners are proposing a single combined curb cut on Otis Street, which will provide access to both the at-grade parking area and the underground garage. Additionally, the petitioners are proposing to remove the circular driveway in favor of a pedestrian path to the main pedestrian entrance to the building on Otis Street. ***The petitioners should respond to all issues raised by the Associate City Engineer and City Traffic Engineer prior to the Working Session.***

2. Adequacy for disposal of wastes

The petitioners are proposing to locate a trash compactor in the mechanical room in the basement. The Planning Department believes this will help minimize noise during trash collection.

3. Provision of off-street loading/parking

The petitioners are proposing to provide 23 parking stalls (including 2 handicapped stalls), 1 more than the required 22 stalls. *The petitioners should verify the state accessibility requirements and submit a new plan, as necessary to the Engineering Division, the Mayor's Committee for People with Disabilities, and the Planning Department prior to the Working Session.* Because of the close proximity to the Newtonville village center, commuter rail station, and bus stops, the Planning Department does not believe any additional parking spaces are

necessary beyond those provided since residents can walk to these amenities.

The petitioners have submitted a traffic and parking study comparing projected traffic and parking counts of the proposed use to alternative development options. The City Traffic Engineer has reviewed this study and believes the proposed parking supply is adequate and the traffic impacts to be minimal.

4. Screening of Parking Areas and Structures

The Petitioners have submitted a landscape plan, please see comments under Section VI-F.

5. Avoidance of Major Topographical Changes and Soil Removal

The petitioners are proposing some modifications to the topography of the site for the rampway into the garage, and for the 6 depressed patios. Although a significant amount of fill will be removed for the proposed rampways, and patios, the perimeter topographic changes appear to be minimal. *The petitioners should respond to any comments and concerns raised by the Associate City Engineer regarding grading and drainage plans prior to the Working Session.*

6. Consideration of Site Design, Including Location and Configuration of Structures and Relationship to Nearby Structures

The petitioners are proposing to maintain the architecturally significant exterior of the building except for minor changes. All of the changes have been reviewed and approved by the Newton Historical Commission and the petitioners are proposing to offer the City a preservation restriction for the façade of the building.

Although the Planning Department recognizes the revised site plan reflects an increased amount of space between the parking area and adjoining residences, the Planning Department notes that as proposed, all of the at-grade parking is concentrated in the southwest corner of the lot, in close proximity to the abutting neighbors. The petitioners are proposing to enclose the at-grade parking in 2 carports and are proposing a 6 ft. acoustical fence around the parking area. *The Planning Department believes the petitioners can reduce the amount of fencing on-site and should work with the Planning Department and abutting residents to ensure adequate screening of the proposed fence and parking facilities.*

7. Avoidance of the removal or disruption of historic resources

As stated earlier, the petitioners are proposing minimal changes to the existing building and are taking steps to preserve the facade of the historic structure. *The petitioners have completed all necessary reviews and approvals with the Newton Historical Commission, and should submit the proposed façade easement to the Law Department for review and approval.*

L. Relevant Special Permit Approval Criteria

1. The specific site is an appropriate location for such use

Whether this specific site is appropriate for multi-family use is dependent upon how the Board views the request for rezoning. If the Board believes the requested change in zone is appropriate, the redevelopment of the existing church building into a multi-family dwelling appears to fit on the site and allows for preservation of this historic building. As proposed, the existing building would be minimally changed except for the infill in the southwest corner of the building and the addition of windows in both the front (Walnut Street) and rear facades. The Planning Department believes that the proximity to the Newtonville village center makes the site appropriate for a multi-family residence. Although zoned Single Residence 2 the properties immediately north of the subject property are improved with multi-family residences; as such, the proposed use would fit in with existing uses along the western side of Walnut Street.

2. The use as developed and operated will not adversely affect the neighborhood

The Planning Department believes that the proposed use may be less intensive than potential alternative uses for the site. Additionally, the proximity to a village center should reduce the number of daily vehicle trips generated to and from this site. The City Traffic Engineer has reviewed the traffic impact report submitted by the petitioners and does not believe the project will have negative impacts on the neighborhood.

3. There will be no nuisance or serious hazard to vehicles or pedestrians

Please see comments under Section VI-D.

4. Access to the site over streets is appropriate for the types and number(s) of vehicles involved

Please see comments under Section VI-D.

VII. SUMMARY

The subject property is located at 391 Walnut Street, in Newtonville, at the intersection of Otis Street. The site consists of a 40,509 sq. ft. parcel improved with a 3-story brick church with steeple. The existing building was constructed circa 1927, and is immediately abutted by four (4) single-family residences.

The petitioners are proposing to rezone and redevelop the site. The site is currently zoned Single Residence 2; the petitioners are proposing to rezone the property to Multi-Residence 2 and to convert the existing church into a multi-family dwelling containing 11 units (including two affordable units). A portion of the one-level basement is proposed as a garage with parking for 11 cars, and 12 additional grade-level parking spaces are proposed in the existing parking area. The petitioners are proposing minimal changes to the existing building and are taking steps to preserve the facade of the structure by offering the City a preservation restriction.

The petitioners have submitted a traffic impact study comparing the projected traffic impacts of the proposed use to various potential alternatives. The City Traffic Engineer has reviewed this study and believes the traffic impacts to be minimal.

Prior to the Working Sessions, the following should be completed or addressed:

- 1. The petitioners should respond to all issues raised by the Associate City Engineer, City Traffic Engineer, and Chief Zoning Code Official.***
- 2. The petitioners should submit revised landscape plans that respond to issues raised in this memorandum.***
- 3. The petitioners should submit the proposed façade easement to the Law Department for review and approval.***
- 4. The petitioners should work with the Planning Department and the Newton Housing Authority to finalize the terms of the proposed affordable units and the Inclusionary Housing Plan.***